



ASSOCIATION OF
FAMILY AND
CONCILIATION COURTS



eNEWS

IAALS: The Family Law Bar Summit: Shaping the System for the Families We Serve

In November 2015, the *Honoring Families Initiative* at the Institute for the Advancement of the American Legal System (IAALS) hosted the Family Bar Summit: Shaping the System for the Families We Serve at the University of Denver. A diverse group of leaders from the family law bar was brought together in this two-day event to acknowledge obstacles to helping separating and divorcing families, and to collaborate in ways that could bring about meaningful change. [Read more.](#)

Ask the Experts: What if Neither Parent is “Good Enough”? – A Judicial Perspective

Hon. Dianna Gould-Saltman

Hon. Dianna Gould-Saltman is a California Superior Court Judge for Los Angeles County who is often in the position of deciding if one or both parents are “good enough” and what to do if neither is. Her judicial perspective addresses how to identify whether the deficits affect parenting, if they are remedial, if there are resources for remediation of those deficits and what are the alternatives if neither parent can adequately care for the child. [Read more.](#)

AFCC 12th Symposium on Child Custody Evaluations

Abuse, Alienation, and Gatekeeping: Critical Issues for Family Court Professionals

MONTHLY E-
NEWSLETTER
VOL. 11 NO. 8
August 2016

Upcoming AFCC Conferences



AFCC 12th Symposium on Child Custody Evaluations

*Abuse, Alienation, and
Gatekeeping: Critical
Issues for Family Court
Professionals*

November 3-5, 2016, Atlanta, Georgia

[View the program brochure.](#)

[Register today!](#)

Apply for a Symposium Scholarship by September 8

Scholarships assist recipients with the cost of symposium attendance. Scholarships include registration for a pre-symposium institute, the symposium, attendee meals, networking functions, and a certificate of attendance. The deadline to apply is September 8, 2016. A limited number of scholarships are available, [apply today!](#)

Book Your Room at the Sheraton Atlanta Hotel

The special rate for AFCC conference registrants is \$169/night for single or double occupancy. On October 4, 2016, any unreserved rooms will be released and the special rate no longer guaranteed. Rooms fill up fast, so make your reservation early by calling 1-800-833-8624 and request the AFCC special rate or [reserve online](#).

Exhibit Opportunities

Introduce your organization and its products and services to the interdisciplinary professionals who attend AFCC conferences with an onsite exhibit! Talk to participants face-to-face and attend a few sessions in your spare time as the rate also includes a conference registration. [Sign up today](#), space is limited!

Member Profile: Robert Emery, PhD

Our Family Court Review (FCR) profile series continues this month with Robert Emery, PhD, social science editor. Long-time AFCC member Dr. Robert Emery became social science editor of Family Court Review (FCR) in 2011, overseeing peer review and research submissions of AFCC's interdisciplinary journal. Bob brings a diverse background to the role, having served as a professor, researcher, trainer, mediator, and administrator, among other roles over the years. [Read more.](#)

Meet the Family Court Review Student Editorial Staff

Learn more about the students behind the Family Court Review (FCR) [here](#).

Submit a Proposal to Present in Boston 2017 54th Annual Conference

November 3–5, 2016
Sheraton Atlanta Hotel
Atlanta, Georgia

AFCC 54th Annual Conference

Turning the Kaleidoscope of Family Conflict into a Prism of Harmony
May 31-June 3, 2017
Boston, Massachusetts

AFCC Chapter Conferences

[Wisconsin Chapter Annual Conference](#)

September 16, 2016
Pewaukee, Wisconsin

[Florida Chapter Annual Conference](#)

September 28-30, 2016
Orlando, Florida

[Indiana Chapter Annual Conference](#)

October 7, 2016
Indianapolis, Indiana

[Colorado Chapter Annual Conference](#)

October 7-9, 2016
Breckenridge, Colorado

[Ontario Chapter Annual Conference](#)

October 21, 2016
Toronto, Ontario

Arizona Chapter Annual Conference

January 27-29, 2017
Sedona, Arizona

[California Chapter Annual Conference](#)

February 10-12, 2017
Costa Mesa, California

Turning the Kaleidoscope of Family Conflict into a Prism of Harmony

May 31-June 3, 2017, Sheraton Boston Hotel
Boston Massachusetts

AFCC is accepting proposals for 90-minute workshop sessions through September 30, 2016. The conference theme will explore ways to resolving family law-related conflict, including conflict between family members related to parenting time, child support and parenting during and after separation and divorce.

[Call for Proposals](#), [submit a proposal](#).

Chapter News:

Please welcome AFCC's new chapter presidents – Amy Armstrong, president of **Ohio Chapter** and Victoria Brenner, president of **Minnesota Chapter**.

Member News:

The Family Law Section of the Missouri Bar presented AFCC member **Alan Freed** with the Roger P. Krumm Award. This award is presented to honor a family law lawyer who has demonstrated an exceptional degree of competence, skill, integrity, commitment, and dedication toward the improvement and advancement of the practice of family law and the children and families involved in family law matters. Congratulations Alan!

AFCC member **Robert Emery** wrote a new book, detailing a new approach to sharing custody, titled *Two Homes, One Childhood: A Parenting Plan to Last a Lifetime*. [More information](#).

In Memoriam: Deborah Doiel

Colorado AFCC member Deborah Lee Doiel passed away in July 2016 at age 63. She was an extremely talented and well sought after mediator for twenty years. She loved traveling, camping, sight-seeing, and singing. Mother of three, she leaves behind her devoted husband, children, and grandchildren. [Read more](#).

In Memoriam: Noel Sandomirsky

Ontario AFCC member Hon. Noel Sandomirsky passed away in August 2016. His legal career was marked by his impassioned advocacy of mediation as a means of conflict

Are you an AFCC member? [Join](#) or [Renew](#)

The opinions expressed in articles published or linked to in the *AFCC eNEWS* are those of the authors and do not necessarily reflect the positions of the Association of Family and Conciliation Courts.

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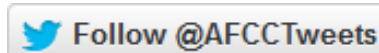
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resolution in family law. He loved to sit back with a good cigar and a cold drink to admire his carefully tended petunias, freshly cut grass, and a Katepwa sunset. He will be remembered by his loving and dedicated spouse and his two children, stepchildren, grandchildren, and great-granddaughter. [Read more.](#)

December Trainings

AFCC, in collaboration with the University of Baltimore School of Law will present two two-day training programs, **December 5-6** and **December 7-8, 2016**. Each program is eligible for up to 12 hours of continuing education. Watch the AFCC web page for more information.

Alcohol and Other Drugs: It's a Family Affair

Judge Peggy Fulton Hora (Ret.)

Steve Hanson, M.S.Ed.

December 5-6, 2016

Managing Intractable Issue in Child Custody Disputes

Robin M. Deutsch, PhD, ABPP

December 7-8, 2016

Pamphlets

AFCC pamphlets are being discontinued. If you are looking to stock up on these resources, [place your order today.](#)

Upcoming AFCC Webinar

Emerging Issues in Relocation Cases

October 13, 2016, 1:00pm-2:00pm (Eastern Time)

Philip M. Stahl, PhD, ABPP

Registration for the next webinar will be open **September 13**. Our last webinar sold out in less than 24 hours, so register early.

[More information.](#)



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Ask the Experts:

What if Neither Parent is “Good Enough”? – A Judicial Perspective

Honorable Dianna Gould-Saltman

In family court we often hear mental health experts express parenting competency in terms of whether a parent is “good enough.” The concept of a “good enough” parent (initially a “good enough” mother) was theorized by psychologist D.W. Winnicott in 1953, addressing a mother attuned to her child and addressing developmental milestones along the way which both protect the child adequately but allow the child to explore her world appropriately. Psychologist Sandra Scarr defines it as, “the parent who cares for his or her children in any way that is adequate for proper development,” and this is the definition I think adequately and simply defines the term for my purposes.

Adequate parents feed, clothe, and shelter their children in a way that allows the child to feel comfortable and secure. Adequate parents get children to and from school on time, appropriately care for children when they are ill, and inquire about things they need to know when confronted with parenting situations they don’t understand.

Family courts would like all parents to be exemplary: treating the other parent with respect, supporting the child’s relationship with the other parent, getting the child the best possible education and healthcare, encouraging and supporting the child’s unique talents. This, however, is not the standard by which family courts can determine whether parents may raise their children.

There are, of course, gray areas of parenting. Is a parent who provides food, clothing and shelter to a child but no affection “adequate?” Is a parent who is loving to a child but won’t get the child to school on time “adequate?” Is an otherwise loving parent who regularly denigrates the other parent to the child “adequate?” In these gray areas the family court has some ability to affect change by ordering such things as parent education, co-parenting counseling, or modifying the amount of time a parent is exposed to the child.

There are cases in which each parent has such parenting deficits that neither parent is “good enough” to appropriately raise the child. There are certainly cases in which both parents have the same deficit; for example, both are addicted to drugs or alcohol. There are many cases in which each parent falls below the standard for “good enough” parent

in different ways. One may be drug addicted while the other parent is unwilling and unable to get the child to school most days. One parent may have minimum and sporadic contact with the child while the other parent has become physically abusive to the child. In these cases, alternatives to awarding physical custody to a parent might need to be explored.

In most jurisdictions, the court is compelled to award custody to one or both parents except upon a fairly strong showing that awarding custody to either parent would be detrimental to the child. The standard between good enough parents may be “best interest” but the standard is much greater to award custody to a third party. It is also the policy of the courts to try to find a way to award custody to one or both parents, which may mean expending resources to give those parents the tools to become “good enough.”

When there is sufficient evidence that one or both parents is not “good enough,” the court does well to use some guidelines to explore options:

1. Is the deficit one which affects parenting?

Frequently, one side raises issues about the character of the other parent which may be problematic in a general sense but may not affect parenting, *per se*. Not uncommonly, a partner’s infidelity is raised as a reason to forbid parenting time. This may be a good example of being a bad spouse, but not necessarily a bad parent. Likewise, a parent who has a history of seeing a therapist or taking psychotropic medication may be raised to show that the parent doesn’t have the mental stability to adequately care for a child. In fact, recognition of the need for mental health treatment and consistent compliance with a doctor’s prescriptions and recommendations may be an example of why this parent is actually a good parent. Denial of mental health issues and non-compliance with prescriptions could be a much greater problem.

If the issue is drug or alcohol problems, untreated or unaddressed mental health issues, or issues which directly affect the child (failure to have illnesses treated, to get the child to school, oversee schoolwork, etc.), these are deficits which are likely to affect parenting.

2. Is the deficit remediable?

When the deficit comes from a lack of knowledge, it may be remediable. If the issue is adequate treatment of a child’s chronic illness, a parent can learn how to treat that. If the issue is failure to adequately care for a child, parenting classes may address that. Drug and alcohol issues can be treated. There are some deficits which may not be remediable. If a parent is unwilling to acknowledge and address drug or alcohol issues (assuming sufficient evidence of the problem has been presented to the court), that’s not remediable for now. If a parent has been designated a mentally disordered sex offender, that may not ever be able to be adequately addressed. Although it does not

preclude supervised visitation, custody being awarded to that parent would be most unusual.

3. If the deficit is remediable, are there resources available?

Notwithstanding assumptions to the contrary, the family court does not have a wide variety of resources available nor the broad ability to compel remedial action except in a coercive sense. By way of example, in California a family court may order outpatient counseling only upon certain findings and only for the purpose of improving communication between various members of the family. There is no law authorizing a family court to compel anyone to engage in individual counseling.

Upon a finding of domestic violence, the family court has the ability to order batterer's intervention or anger management, but limited power to order anything else.

The family court certainly has the ability to condition a parent's visitation to participation in something designed to better parenting (e.g. Alcoholics Anonymous, Narcotics Anonymous, individual therapy) and the family court has the power to turn the parties' agreement to participate in such programs into a court order once there is a stipulation.

Sometimes, even when some resources exist, there is no ability to access them. If courts have certain programs for parents but there is a long waiting list to participate, the effect is the same as if the resource doesn't exist. Likewise, where there is an abundance of programs outside the court system to address certain deficits but there is neither insurance nor funds to pay for it, those resources are not available for that family at this time. In the case where both parents are found to have deficits so significant that neither parent is "good enough," allocation of limited funds may need to be directed to one resource before it is directed to another, based on what is most essential to safeguard the needs of the child.

4. What are the options if neither parent can adequately care for the child?

Where there is not at least one "good enough" parent, and one or both parents cannot become "good enough" immediately, a family court must consider alternatives. The family court may have a limited ability to award custody to a non-parent. This is generally only when a third party non-parent has acted in place of the parents for a significant period of time and enjoys a parent-like relationship with the child or children.

More commonly, the case must be referred to another court. If there are other relatives who can care for the child either temporarily or permanently, the probate court may be the best place to refer the case for a guardianship. In cases where there is no immediate relative placement for the child and the child is in danger of abuse or neglect, it may be necessary to refer the case to dependency court through the Department of Children and Family Services (Child Protective Services). Once in dependency court, the State becomes a party to the action and resources not generally available to the

family court may be available for the family. When DCFS/CPS becomes involved, there may also be greater oversight for the family, something which is not available in family court.

There is a general concern that referral to dependency court creates a much greater intrusion into the life of a family than does family court. From the perspective of a family court judge, this is a determination for DCFS/CPS and the dependency court to make. If either feel that the situation does not rise to the level that dependency court should retain jurisdiction, it will not. If it does, then the intrusion in the family has been deemed necessary to protect the safety of the child and resources will be offered to parents, which are not otherwise available, to improve the life of that child. This is an intrusion which has been deemed worth its cost.

Honorable Dianna Gould-Saltman is a California Superior Court Judge for Los Angeles County. Appointed in 2010, she sits in a family law department in Compton, California. Prior to her appointment Judge Gould-Saltman was a Certified Family Law Specialist (the State Bar of California Board of Legal Specialization) and remains a Judicial Fellow of the American and International Academies of Matrimonial Lawyers. In 2013, she was selected Family Law Judge of the Year by the Pasadena Bar Association Family Law Section and in 2014, was selected Family Law Judge of the Year for Los Angeles County by the Southern California Chapter of the American Academy of Matrimonial Lawyers. She has presented on family law issues to a variety of attorney and mental health organizations as well as California Bernard Witkin Judge's College, Los Angeles Superior Court Family Court Judges, and California Judicial Council's Center for Judicial Education and Research.

Deborah Doiel

1953 - 2016

Deborah Doiel Obituary

Deborah Lee (Axelson) Doiel, 62, went to be with her Lord and Savior on July 24th, 2016 at her home, surrounded by her loving family. Deborah was born on September 14th, 1953 in Grand Junction, CO to Carl and Dacy Axelson. Deborah grew up on the western slope of Colorado, riding horses, working in the fruit orchards, and living on Kebler Pass during the summers. One of her first jobs was making coal mine dummies for her grandfather for a penny a piece. She also spent many summers working at Taylor Park, and loved to share the stories about her time there. She graduated from Paonia High School in 1971 and went to Mesa Junior College for her associate's degree before graduating in 1975 from Intermountain Bible College with her bachelor's degree in Sacred Literature. She met the love of her life, Gary Doiel, in 1973 and they were married November 22, 1975 in Paonia, CO. They made their home in Grand Junction, CO until career changes moved them to Fort Morgan, CO in the fall of 1989. Deborah worked at the Grand Junction Police Department, then at Centennial Mental Health in Sterling, CO, and as the Executive Director of United Way of Morgan County before beginning her career as a mediator, building her own very successful business. Deborah was an extremely talented and a well sought after mediator for roughly twenty years. She had many passions in life, and her family always came first. She loved to travel with them and spend time exploring new places as well as visiting significant places of the past where she enjoyed reminiscing and sharing memories. She, Gary, her sister Kris, and brother-in-law Wayne enjoyed going on long-weekend adventures whether to balloon festivals, the Rose Bowl Parade, or her beloved mountains. She loved camping, sight-seeing, learning, reading, teaching, church, spending time with God, and looking for new crafts/projects to do with her family in their "spare time". She was a natural born leader and comforter and was always there for anyone who needed her. Deborah was also an avid singer, and was a part of many singing groups throughout college and was always booked for her friends' weddings. She continued to sing as part of her ministry and no matter how many times you had heard her sing, when she got up and began, there was a wave of emotions that came over you as she expressed her love for God through her music. Deborah was an active member of The Sanctuary Church in Fort Morgan, CO for over 27 years. She cherished her church family and the relationships she built with them. The church was a huge part of her life even until the end, and words will never be able to express the gratitude from the family. Deborah leaves behind her loving and devoted husband, Gary, her three beloved and adoring children, Michelle (Ft. Morgan), Lindsey (Alamosa) and Landon and daughter-in-law, Becca (Ft. Morgan), and her three granddaughters who were the light of her life, Alexandria, Audrianna, and Brooklyn, her loving sister Kris and brother-in-law Wayne Franz (Grand Junction), her mother-in-law, Betty Doiel (Perryton, TX), numerous cousins, in-laws, nieces, nephews, great nieces, great nephews and friends. She is preceded in death by her parents, Carl and Dacy Axelson. In lieu of flowers, please send contributions to The Sanctuary, 14587 U.S. Highway 34, Ft. Morgan, CO or to the Dineh Christian Center, PO 3355, Shiprock, NM 87420. At

Deborah's request, she asked that there be no service. Instead, she gave the following three instructions: 1) If you don't have a relationship with God, find one. 2) If you have relationships that need amends, make the first step. 3) take the time you would have to come to her funeral and spend it with your family; you never know how much time you have with them.

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Student Senior Staff 2016-2017

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Melissa is a third year law student from New York, with a B.A. in History and Sociology from SUNY New Paltz. She is interested in working in family law.

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Stephanie is a third year law student from New York, with a B.S. in Psychology from Sacred Heart University. Stephanie is interested in practicing criminal law after graduation.

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Member Profile: Robert Emery, PhD

Our *Family Court Review* (FCR) profile series continues this month with Robert Emery, PhD, social science editor.

Long-time AFCC member Dr. Robert Emery became social science editor of *Family Court Review* (FCR) in 2011, overseeing peer review and research submissions of AFCC's interdisciplinary journal. Bob brings a diverse background to the role, having served as a professor, researcher, trainer, mediator, and administrator, among other roles over the years.

Bob is currently professor of psychology and director of the Center for Children, Families, and the Law at the University of Virginia. He also serves as an associate faculty member in the Institute of Law, Psychiatry, and Public Policy at the University of Virginia, and was director of clinical training from 1993-2002. He received his BA from Brown University in 1974 and PhD from the State University of New York at Stony Brook in 1982, where his advisor was current AFCC New York Chapter President and FCR Editorial Board member Daniel O'Leary. In addition to *FCR*, Bob has served or is serving on the editorial board of over a dozen professional journals, and has been a member of the Social Sciences and Population grant review study section of the National Institute of Health.

A prolific writer, Bob has authored five books on divorce and written over 150 scientific publications. His books have received global recognition in the form of awards (the Outstanding Academic Book award for *Marriage, Divorce, and Children's Adjustment*), national media appearances (The Today Show, NPR, Newsweek) and several translations (Chinese, Italian, Spanish, and Korean). His most recent book, *Two Homes, One Childhood: A Parenting Plan to Last a Lifetime*, was released by Avery earlier this month. This is the second book he has written specifically for parents. Bob notes that *Two Homes* has two main themes: the first, for parents to protect their child's childhood. "There are not two sides in custody disputes, there is only one side, and that is the child's side," Bob said. The second theme is that parenting plans should be flexible, living agreements. "The only parenting plan that lasts a lifetime is one that grows and changes along with children's and the family's developing needs."

Bob found AFCC very early in his career, in the mid-1980s. Former AFCC President Hugh McIsaac—who first introduced Bob to AFCC—was the editor of *FCR* and Stanley

Cohen was the executive director. His fondest memory of AFCC is being awarded the Stanley Cohen Distinguished Research Award in 2001. “Stan was excited about my research back in the 1980s. I think my award would have made him proud, and I’m honored to have received the award named for him.”

Bob’s decades-long involvement with AFCC led him to his latest role as social sciences editor for *FCR*, first working with longtime editor-in-chief Andrew Schepard, and now playing a key role in the transition to the new editor-in-chief Barbara Babb. To Andrew Schepard, Bob expressed his gratitude and admiration: “*FCR* was a much more than a job for Andy. It was a mission.”

Bob’s goals for *FCR* are to enhance the journal and promote research, especially research that could eventually help improve cooperation between parents living in two homes. He loves that *Family Court Review* is “more open than psychology journals; more open to ideas and innovation, and not just driven by pure empiricism.” At the same time, Bob acknowledges that the very reasons he admires *FCR* also make his work with the journal challenging.

Bob has had a special interest in mediation throughout his career. “In the early 1980s, mediation was the big new thing for all of us old hippies who were going to change the world.” Bob not only studied the mediation process, but also provided mediation services. While doing so, Bob conducted one of the first and most methodologically sound studies on mediation. “It was true random assignment, in which child custody litigants were assigned either mediation or litigation,” Bob said. “True random assignment is the magic of science in terms of studying cause and effect.” A summary of the study and follow up twelve years later, “Divorce Mediation: Research and Reflections,” was published in the January 2005 issue of *Family Court Review*. “I believed, and it was confirmed, that mediation and cooperative dispute resolution processes, like collaborative law, do produce benefits in the short term – and even more in the long term. Parents who may seem impossible really can work together with assistance and guidance from professionals,” Bob said. In the follow-up study, the parents who were assigned to mediation both remained far more involved in their children’s lives, rated each other’s parenting as improved, reported less conflict overall, negotiated flexible changes in their parenting plan, and were able to continue to act as co-parents (as opposed to acting as litigants).

It comes as no surprise that Bob is a fervent advocate of parents reaching decisions about their own children. “I think that, philosophically, we need to take a new look at why decisions are made for parents who live apart. Judges can, and do, decide every little thing for unmarried and divorced parents. Yet, our legal system recognizes that parents who are married must work things out for themselves, or the courts would create “no end of difficulties,” in the words of a classic 1930s legal decision. You cannot sue your spouse for parenting decisions you don’t agree with. Are parents who live apart really so different?” Bob voiced his beliefs in a [New York Times opinion piece](#) on the topic. “For me, the number one factor for defining children’s best interests should be parental agreement. It would be a practical standard. Judges don’t need to get involved

if parents agree to a parenting plan. And I would honor other contracts the parents make, for example, designating someone as a parenting coordinator or creating a parenting plan that evolves over time. Under current law, judges, not unmarried parents, hold ultimate authority over these decisions.”

But what of the future of mediation and parenting coordination? Bob admits he has fears, and feels that one of our greatest collective challenges is ensuring the commitment of the next generation so the progress that has been made isn't lost to future families. He sees himself and his peers as having begun a mission: to prove that even though you are divorced you can, and should be, a good parent. It is a mission that he, along with AFCC, has nurtured over several decades.



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IAALS: The Family Law Bar Summit: *Shaping the System for the Families We Serve*

Denver, CO

In November 2015, the *Honoring Families Initiative* at the Institute for the Advancement of the American Legal System (IAALS) hosted the Family Bar Summit: Shaping the System for the Families We Serve at the University of Denver. A diverse group of leaders from the family law bar was brought together in this two-day event to acknowledge obstacles to helping separating and divorcing families, and to collaborate in ways that could bring about meaningful change.

More than 15 AFCC members were involved in the Family Bar Summit, including then AFCC president Hon. Peter Boshier, board members Annette Burns, Milfred “Bud” Dale, and Stacey Platt, former and current *FCR* editors, Andrew Schepard and Barbara Babb, and AFCC executive director Peter Salem. Topics and themes ranged from professional ethics and continuing legal education program standards, to developing law school curricula and fostering partnerships between communities and their courts. The Summit focused on several hypothetical scenarios that challenged participants to brainstorm and discuss potential obstacles and solutions. Featured scenarios included: triage and differentiated case management, interdisciplinary practice, self-represented litigants, standards for judicial review of uncontested divorce agreements, and many more.

Additionally, there were two focuses in the Summit discussion: 1) the evolving role of the family law attorney, and the need for the bar to acknowledge such changes in order to accurately and successfully support the families of today and tomorrow; and 2) the responsibility of family law attorneys to commit to continually working to improve the family justice system.

The final report on the Summit highlights the suggestions made to, and by, Summit attendees, who designed and approved a plan that includes establishing mandatory continuing legal education requirements, amending rules of professional conduct to allow for increased collaboration, and more. On the Summit, Justice Rebecca Love Kourlis, Executive Director of IAALS, said, “This is how change happens. It’s small

groups of committed people who come together with a vision and a common purpose, and go out and start to make things work.”

To read the full report, click [here](#).